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14 *Attorneys for Plaintiff and Counter-Defendant*
15 *OPULENT TREASURES, INC.*

16 **UNITED STATES DISTRICT COURT**

17 **CENTRAL DISTRICT OF CALIFORNIA**

19 YA YA CREATIONS, INC.,
20 Plaintiff,

21 v.

22 OPULENT TREASURES, INC.,
23 Defendant.

24 OPULENT TREASURES, INC.,
25 Plaintiff,

26 v.

27 YA YA LOGISTICS, INC.,
Defendant.

Case No. 2:22-cv-06137-SSS-JC
[Consolidated with No. 23-04292]

**DECLARATION OF JOHN J.
KUCERA IN SUPPORT OF
MOTION TO WITHDRAW AS
COUNSEL FOR PLAINTIFF AND
COUNTER-DEFENDANT
OPULENT TREASURES, INC.**

1 I, John J. Kucera, declare as follows:

2 1. I am a partner with BOIES SCHILLER FLEXNER LLP (“BSF”), and
3 my firm represents Opulent Treasures, Inc. (“Opulent”) in this matter. I make this
4 declaration in support of BSF’s Motion to Withdraw as counsel for Opulent.

5 2. On August 29, 2022, a complaint was filed that initiated this matter
6 between Opulent and Ya Ya Logistics, Inc. (“Ya Ya”). (ECF No. 1). On June 21,
7 2023, Opulent entered into an engagement agreement with BSF to represent Opulent
8 in this matter, and on July 28, 2023, BSF made its first appearance as attorneys of
9 record for Opulent (ECF No. 49, 50, and 51).

10 3. Since first appearing, BSF has represented Opulent in various hearings
11 and motions, including summary judgment motions (both affirmative and
12 defensive). (ECF Nos. 53, 59, 65, 71, 72, 87, and 88). At present, trial in this case
13 is set to begin on September 23, 2024. (ECF No. 57)

14 4. On July 10, 2024, Opulent and Ya Ya engaged in mediation before the
15 Honorable Frederick F. Mumm, United States Magistrate Judge (Ret.), but that
16 mediation did not result in a resolution of this case. (ECF No. 57).

17 5. On July 16, 2024, counsel for Ya Ya contacted BSF to request that
18 Opulent stipulate to request a continuance of the trial to a date in December 2024.

19 6. Following Ya Ya’s request to stipulate to continue the trial date, and
20 notwithstanding the unsuccessful mediation, the parties resumed settlement
21 discussions. Thereafter, following negotiations, on August 9, 2024, the parties filed
22 a “Joint Status Report on Settlement” and notified the Court that the parties had
23 reached an agreement in principle. (ECF No. 113).

24 7. After filing the Joint Status Report on Settlement, a conflict arose
25 between BSF and Opulent, and BSF advised Opulent of such conflict.

26 8. After consulting with attorneys within BSF regarding the nature of the
27 conflict and whether such conflict could be waived, BSF concluded that the nature
28

1 of the conflict mandated that BSF withdraw from representing Opulent pursuant to
2 the relevant California Rules of Professional Conduct (the “California Ethics
3 Rules”).

4 9. Thereafter, BSF advised Opulent of its conclusion that the California
5 Ethics Rules mandated that BSF withdraw from representing Opulent.

6 10. Following this, in order to confirm BSF’s conclusion that the California
7 Ethics Rules mandate that BSF withdraw from representing Opulent, BSF consulted
8 with the California State Bar “Ethics Hotline” and engaged in a preliminary
9 consultation with independent outside ethics counsel.

10 11. Prior to BSF informing Opulent of its intent to withdraw, BSF took
12 steps to avoid or minimize any prejudice to Opulent and Ya Ya. On September 3,
13 2024, BSF advised counsel for Ya Ya Logistics, of BSF’s intent to move to
14 withdraw.

15 Executed on September 5, 2024, at Los Angeles, California.

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17 */s/ John J. Kucera*
18 John J. Kucera
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